IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWELTH DAY OF DECEMBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.22381 OF 2000

Between:

Gulam Ahmed and others.

.... PETITIONERS

AND

Municipal Corporation of Hyderabad,
Through Its Commissioner, Lower Tank Bund,
Hyderabad, and others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.22381 OF 2000

O R D E R

Shops belonging to the petitioners were taken over by the Municipal Corporation of Hyderabad making a promise that it would provide alternative site to them in case the building taken over by it from any of the petitioners is more than 60% of that building, as per the letter dated 16.12.1997 issued by the Deputy Commissioner, Circle No.2 of Municipal Corporation of Hyderabad.

The grievance of the petitioners is that though they lost more than 60% of the building occupied by them, no alternative sites are allotted to them so far. So they are seeking a direction to the Municipal Corporation of Hyderabad, to provide alternative sites to them as promised in the letter dated 16.12.1997.

2. On behalf of the respondents, Assistant City Planners of Circle-2 filed two counter-affidavits on two different dates one is dated 03.06.2002 and the other is dated 13.02.2004. Subsequently, the petitioners filed their reply affidavits on 22.02.2004.

3. Heard both sides.

4. The contention of the learned counsel for the petitioners is that inasmuch as the respondents took over the buildings of the petitioners with a promise that they would provide alternative sites, are not acting to the representations made by them, petitioners are entitled to the direction sought. The contention of the learned Standing Counsel for the Municipal Corporation of Hyderabad is that since most of the petitioners have availed the benefit of additional FSI permitted to them by virtue of G.O.Ms.No.483, MA., dated 24.08.1998, they are not entitled to any further benefits, and in respect of those petitioners who have parted with 60% or more than 60% of their buildings, since Municipal Corporation of Hyderabad would not be able to provide any alternative site to them in the near future, it is prepared to pay compensation for that effected area as per the provisions of the Land Acquisition Act.

5. As the learned Standing Counsel for the Municipal Corporation of Hyderabad states that it is difficult for the Corporation to provide alternative site to the petitioners, whose buildings are effected by more than 60%, and since the letter dated 16.12.1997 relied on by the petitioner discloses that only those persons who lose their entire property or atleast 60% of their properties would have the benefit of alternative sites, all the petitioners who lost 60% or more, of their property in the road widening programme, can have the benefit of concession made by the Municipal Corporation i.e. compensation payable under the Land Acquisition Act, for that portion of the property affected in the road widening. Such petitioners can also construct the buildings in the remaining area as per the Rules in force. I hereby clarify that those of the petitioners who have already availed the benefit of additional FSI allowed to them are not entitled to the benefit given

in this order.

6. With the above observation, the writ petition is disposed of. Parties are directed to bear their own costs.

JUSTICE C.Y.SOMAYAJULU

12th DECEMBER, 2007

PGS

THE HONOURABLE SRI JUSTICE C.Y.SOMAYAJULU

W.P.NO.22381 OF 2000

12TH DECEMBER, 2007